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Attorneys for Plaintiff
NCR CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NCR CORPORATION, a Maryland
Corporation,

Plaintiff,

v.

ZAPPOS.COM, INC., a California
Corporation,

Defendant.

Case No. C 06-5599 WHA

**STIPULATION AND ~~[PROPOSED]~~
ORDER FOR CONTINUANCE OF
CASE MANAGEMENT
CONFERENCE**

Date: December 21, 2006
Time: 11:00 a.m.
Courtroom: 9
Trial Date: No Trial Date Set

Plaintiff NCR Corporation (“NCR”) and Defendant Zappos.com (“Zappos”) do
hereby stipulate as follows:

1. Due to settlement discussions, which the parties believe will likely lead to
resolution of this case before the end of the year, the parties hereby agree and request the Court to
continue the Case Management Conference, currently set for December 21, 2006 at 11:00 a.m., to

1 January 11, 2006 at 11:00 a.m., or such other date as the Court may set.

2 2. Counsel signing below attests that concurrence in the filing of the
3 document has been obtained from opposing counsel.

4
5 Dated: December 14, 2006

PAUL R. GUPTA
CLIFFORD R. MICHEL
SEAN A. LINCOLN
ORRICK, HERRINGTON & SUTCLIFFE LLP

8
9 /s/ Sean A. Lincoln

Sean A. Lincoln
Attorneys for Plaintiff
NCR CORPORATION

10
11 Dated: December 14, 2006

THEODORE T. HERHOLD
APRIL E. ABELE
MATTHEW R. HULSE
TOWNSEND AND TOWNSEND AND CREW LLP

14
15 /s/ April E. Abele

April E. Abele
Attorneys for Defendant
ZAPPOS.COM, INC.

ORDER

Based on the above stipulation, it is hereby ordered that the Case Management Conference now scheduled for December 21, 2006 shall be continued to January 11, 2006, Courtroom 9, at 11:00 a.m. THERE WILL BE NO FURTHER CONTINUANCES.

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: December 15, 2006.

